ORDINANCE 95-74

TO AMEND THE TEXT OF TITLE 20
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "ZONING"
(Amendments to the "Site Plan Review Authority")

WHEREAS, the Bloomington Plan Commission has considered and recommended that the Bloomington Municipal Code be changed;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 20.02.01.00 of the Bloomington Municipal Code entitled "Definitions" shall be amended as follows:

A) The following definition shall be added:

Development Plan See "Site Plan".

B) The definition of "Site Plan" shall be amended to read as follows:

Site Plan A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings, and other structures, circulation, grading, trees, and landscaping, sufficient for the review required in Section 20.05.08.00 of this Zoning Ordinance. A site plan shall serve as the development plan regulated by IC 36-7-4-1400.

SECTION II. Section 20.03.03.01 of the Bloomington Municipal Code entitled "Plan Commission - Jurisdiction and Authority", Subsection "F", shall be amended to read as follows:

F. To review and approve or disapprove site plans as required pursuant to Chapter 20.05, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding for public improvements.

SECTION III. Section 20.03.05.01 of the Bloomington Municipal Code entitled "Planning Department - Authority", shall be amended as follows:

A) Subsection "D", shall be amended to read as follows:

D. To review any site plans submitted for such review, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding for public improvements, and to make decisions or recommendations to the Plan Commission, as appropriate and as authorized in Chapter 20.05.

B) Subsection "F" shall be relettered as Sub-section "E".

SECTION IV. Section 20.05.08.02 of the Bloomington Municipal Code entitled "Site Plan Review - Scope of Review and Standards," Subsection "A." shall be amended to read as follows:

A. Whether the site plan is consistent with the comprehensive plan and the purposes of the zoning district.

SECTION V. Section 20.05.08.03 of the Bloomington Municipal Code entitled "Site Plan Review Process", Subsection "A.", regarding "Application and Requirement for Site Plan Review", shall be amended as follows:

A) The following sentence shall be added as the first sentence of Subsection 20.05.08.03.A.1: "Submission and approval of a site plan shall be required in all zoning districts established in Section 20.07.01.01 of this Zoning Ordinance."

B) Subsection 20.05.08.03.A.1.g shall be added and shall read as follows:

g. All applications for Plan Commission site plan review shall be accompanied by all fees required by rule of the Plan Commission.

C) Subsection 20.05.08.03.A.5 shall be added and read as follows:

5. No public notice or hearing are required prior to planning staff making a decision on any site plan.

SECTION VI. Section 20.05.08.03 of the Bloomington Municipal Code entitled "Site Plan Review Process", Subsection "B." regarding "Decision by Planning Staff" shall be amended by altering Sub-Subsection "4." in the following manner:

4. Any final staff level decision on a site plan may be appealed to the Plan Commission by any person aggrieved by the decision, subject to the provisions of Subsection C, below.

SECTION VII. Section 20.05.08.03 of the Bloomington Municipal Code entitled "Site Plan Review Process", Subsection "C", regarding "Site plan review by the Plan Commission" shall be amended so that it reads in its entirety as follows:

C. Site plan review by the Plan Commission

1. Upon receiving a request for information or documentation, a recommendation for modifications from the planning staff or a denial by the planning staff, an applicant may request a site plan review by the Plan Commission no later than fourteen (14) days after receipt by the applicant of the request of the staff for more information, documentation, changes, or the notice of staff denial. Failure by an applicant to file such request in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for site plan approval.
2. Any person, other than the applicant, aggrieved by a site plan decision by the planning staff may appeal the staff decision to the Plan Commission. Such appeal shall be filed, in the Planning Department, within fourteen (14) days of the staff's decision. The appeal shall specify the grounds for the appeal and must be filed in the form established by rule of the Plan Commission. All appeals shall be accompanied by all fees required by rule of the Plan Commission.
3. The Commission decision shall be based on the evidence presented to the Plan Commission by the applicant, the planning staff, and other interested parties. The burden of proof shall be borne by the applicant.
4. The Plan Commission shall act as promptly as practicable on any site plan review.
5. The Plan Commission shall hold a public hearing in accordance with Section 20.05.02.00 of this ordinance and review the site plan according to the criteria established by this ordinance in Section 20.05.08.02.
6. The Plan Commission may approve or disapprove a site plan or

may approve with conditions which are reasonably necessary to satisfy the applicable development standards. The Plan Commission may also permit or require recordable commitments governing the use or development of property in accordance with the Commission's rules.

7. The Plan Commission may provide that the approval of a site plan is conditional upon the furnishing to the Plan Commission of a bond or other written assurance acceptable to the Plan Commission that guarantees the timely completion of a proposed public improvement in the proposed development.
8. Approval of a site plan shall be effective for a maximum period of one year unless, upon application of the developer, the approving authority grants an extension.
9. The Plan Commission shall make written findings concerning each decision to approve or disapprove a site plan. The president of the commission, or his or her designee, shall be responsible for signing the written findings.

SECTION VIII. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IX. This ordinance shall be in full force and effect on January 1, 1996.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 13th day of December, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 14 day of December, 1995.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 15th day of December, 1995.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several amendments to the zoning ordinance, which went into effect May 1, 1995. These amendments are a result of changes to the Indiana Code regarding site plan authority which take effect January 1, 1996. Changes include amending the definition of "site plan" and adding a definition for "development plan"; amending the site plan authority of the Plan Commission and planning staff; and, amending the procedure for appealing decisions made during the review of site plans.

Signed copies to
Planning
CA/CA
Clerk
BMC File
Legal 5